

REMARKS

Claims 1-18 have been examined. Claims 9-11 and 16 have been rejected under 35 U.S.C. § 102(b), and claims 9-18 have been rejected under 35 U.S.C. § 103(a). Also, the Examiner has indicated that claims 1-8 are allowed.

Rejections under 35 U.S.C. § 102(b)

The Examiner has rejected claims 9-11 and 16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,597,068 to Weisburn et al. ("Weisburn").

On page 5 of the Office Action, the Examiner notes that if the magnetic tape cassette is positively recited in claim 9, the rejections of claims 9-11 and 16, under 35 U.S.C. § 102(b), will be withdrawn. Accordingly, Applicant has amended claims 9-17 to positively recite the magnetic tape cassette, and respectfully requests the Examiner to withdraw the current grounds of rejection under 35 U.S.C. § 102(b).

In addition, Applicant hereby incorporates the arguments presented in the January 15, 2004 Amendment by reference.

Rejections under 35 U.S.C. § 103(a)

A. The Examiner has rejected claims 9-18 under 35 U.S.C. § 103(a) as being unpatentable over Weisburn.

The Examiner maintains that it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify the container 1 of Weisburn so the hinge

part is made bigger, and further having one or more ribs thereon to prevent the ribs from contacting the magnetic tape cassette (pg. 3 of Office Action). However, Weisburn fails to provide motivation for the modification, and further, the Examiner's suggestion is based completely on impermissible hindsight reasoning.

For example, the Examiner maintains that receptacles 40-43, 46 and 47 disclose the claimed ribs (Fig. 3 of Weisburn; pg. 2 of Office Action). However, the receptacles are formed to hold the holder 55, which stores compact discs (col. 4, lines 35-38). The reference discloses that both the holder 55 and the jewel box 70 would need to be removed in order to store an audio or video tape (i.e., col. 6, lines 2-5). Therefore, the audio or video tape would cover the receptacles which previously held the holder 55. Since the container 1 of Weisburn is capable of storing an audio or video cassette while covering the receptacles, there is no motivation for enlarging the hinge of container 1, and moving the receptacles, as maintained by the Examiner (i.e. the reference fails to disclose or suggest that the assumed contact between the ribs and the audio or video cassette is undesirable). Therefore, Applicant submits that Weisburn lacks any suggestion to modify the container 1 in a manner required to meet the claims.

Based on the above, Applicant submits that the Examiner has not presented a convincing line of reasoning as to why one skilled in the art would have modified the container 1 of Weisburn in the manner suggested by the Examiner. Rather, as stated above, the Examiner is using impermissible hindsight when making the rejection.

Accordingly, Applicant respectfully requests the Examiner to provide references which teach, suggest, or provide motivation for the clearance as claimed.

B. The Examiner has rejected claim 18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,443,159 to Cheng ("Cheng") in view of Weisburn.

Applicant submits that claim 18 is patentable over the cited references. For example, claim 18 recites that the ribs have convexly curved surfaces and are disposed in a central portion of a hinge part.

Applicant submits that neither Cheng nor Weisburn disclose such a feature. Accordingly, Applicant submits that claim 18 is patentable over the cited references and respectfully requests the Examiner to reconsider and withdraw the rejection.

Allowable Subject Matter

As noted above, the Examiner has indicated that claims 1-8 are allowed.


Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment under 37 C.F.R. § 1.116
U.S. Application No. 09/980,712

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Allison M. Tulino
Registration No. 48,294

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

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